

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 04995/128001	
		Application Number 10/705,336-Conf. #5133	Filed November 10, 2003
		First Named Inventor Toshiaki Irie	
		Art Unit 2621	Examiner Findley, Christopher G.
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor. _____ /Jonathan P. Osha/ Signature</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) _____ Jonathan P. Osha Typed or printed name</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number _____ 33,986 _____ (713) 228-8600 Telephone number</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____ June 23, 2008 Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of 1 forms are submitted.</p>			

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Toshiaki Irie

Application No.: 10/705,336

Confirmation No.: 5133

Filed: November 10, 2003

Art Unit: 2621

For: COMPOSITE AUDIO-VIDEO APPARATUS

Examiner: Findley Christopher G.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Claims 1-4 are pending in this application. Claims 1 and 2 are independent. Claims 3 and 4 depend on claim 2. Claims 1-4 stand rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,400,280 ("Osakabe"). Applicant traverses these rejections for at least the reasons set forth below.

A. The Examiner erroneously interprets the "changeover control section" portion of the claims

Applicant respectfully asserts that the Examiner erroneously interprets "wherein the first control section includes a changeover control section for controlling to change over an image input source of the image output section," as recited in independent claims 1 and 2.

In one or more embodiments of the present invention, when an operation command to the first image reproduce section is input from the operation section into the first control section that is capable of changing over the image output section, the first control section changes over the image output section so that an image from the first image reproduce section is output depending on the specificity of the operation command (*see, e.g.*, paragraph [0016] of published application). For example, the VCR control section 21 corresponds to a first control section of the present invention, and the videocassette record and reproduce section 22 corresponds to a first image reproduce section (*see, e.g.*, Fig. 1 and paragraph [0025]).

When a user operates the remote controller 5 and inputs an operation command via the remote control receiving section 4, the operation command controls the videocassette record and reproduce section 22 such that image reproducing and recording can be conducted. The VCR control section 21 has a function of controlling change over the image output section 6, i.e., *between an image inputting source of the image output section 6 between the videocassette record and reproduce section 22 and the DVD reproduce section 32* (*see, e.g.*, paragraph [0027]).

The Examiner alleges that Osakabe discloses the abovementioned changeover control section of the first control section, as required by claims 1 and 2. Applicant respectfully disagrees. In Osakabe, the key input portion 32 is operated by a user, and a character array corresponding to an input control command and a remote control signal corresponding to a control command from the bi-directional remote commander 27 are deciphered in the CPU 33. The deciphered control command is used to display a corresponding character, figure, icon or the like in accordance with the content thereof on the display 34, whereby the user can check the indicated control command. If

the digital camcorder 25 is the destination to transmit a reproducing control command, the CPU 33 converts the control command to the data format of the asynchronous packet of the IEEE-1394 serial bus 26 to indicate the address of the camcorder 25 to Destination_ID (*see, e.g.*, col. 6, line 57 through col. 7, line 12, and Figs. 3 and 5 of Osakabe).

The Examiner regards the triggering of the response of the camcorder 25 that transmits a response to the control command as an asynchronous packet of the IEEE-1394 serial bus to the digital TV 21, for example, as equating to a changeover control section, as required by claims 1 and 2. The response of the camcorder 25, returned through the serial bus 26, is later converted to a digital signal stream and supplied to the CPU 33, which, if necessary, supplies the remote control signal to the display 34 to display corresponding characters, figure, icon or the like, whereby a user can recognize whether the camcorder 25 normally receives the control command (*see, e.g.*, col. 7, lines 13-27 of Osakabe).

Now, assuming that any one of the local circuitries of the DVCR 23 and DVD 24 in Fig. 3 of Osakabe constitute the first control section, and the DVCR 23 and DVD 24 themselves constitute the first and second image reproduce sections, as alleged by the Examiner, *no change in the image input source of the alleged image output section, i.e., digital TV 21 is disclosed via a control by a changeover control section that is part of a first control section of Osakabe*. Even if the camcorder 25 is assumed as the first control section, Osakabe clearly does not disclose controlling a change over an image input source of the digital TV 21, as required by claims 1 and 2. The Destination_ID merely receives *the conversion of the control command by the CPU 33 to an appropriate data*

format to indicate the address of the camcorder 25. The camcorder 25, when triggered, merely transmits a response to the control command to the digital TV 21, as discussed above.

Thus, Osakabe does not show or suggest “wherein the first control section includes a changeover control section for controlling to change over an image input source of the image output section,” as required by claims 1 and 2. Consequently, claims 1 and 2 are not anticipated by Osakabe. Dependent claims 3 and 4 are also not anticipated for at least the same reasons.

B. The Examiner erroneously interprets the “first and second control section” portion of the claims

The Examiner relates the DVCR 23 and DVD 24 in Fig. 3 of Osakabe and their own local circuitries to the first and second control sections, as recited in independent claims 1 and 2. However, as discussed above, Osakabe merely discloses the deciphering of the remote control signal corresponding to a control command at the CPU 33. The deciphered control command is supplied to the display 34 to display the corresponding image (*see col. 6, lines 57-67 of Osakabe*). This implies that control of images, i.e., changing images, is based on a signal from the CPU 33 and *not via the local circuitries of the DVCR 23 and the DVD 24 that the Examiner considers as the first and second control sections*, as required by claims 1 and 2.

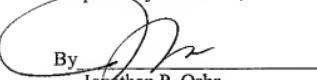
Consequently, claims 1 and 2 are not anticipated by Osakabe. Dependent claims 3 and 4 are not anticipated for at least the same reasons. The Examiner’s proposed interpretation of the claims is not *reasonable*, and, thus, withdrawal of the above rejections is respectfully requested.

C. Conclusion

In view of above, Applicant respectfully requests the panel withdraw the Examiner's rejections. Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. Please apply any charges not covered, or any credits, to deposit Account 50-0591, Reference No. 04995/128001.

Dated: June 23, 2008

Respectfully submitted,

By 

Jonathan P. Osha
Registration No.: 33,986
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant